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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,176	12/21/2000	William James Morrison	AUS920000765US1	2913

35525 7590 06/17/2004

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EXAMINER

THEIN, MARIA TERESA T

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/746,176

Applicant(s)

MORRISON ET AL. *g*

Examiner

Marissa Thein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

Applicants' "Response of Office Action" deposited on March 26, 2004 has been considered with the following effect.

Applicants' response by virtue of amendment to claim 1 has overcome the Examiner's rejection of claims 1-16 under 35 USC 101.

Claims 1-12, 16-23, 25-28, 32-38, 41-44, and 48 have been amended. Claims 1-48 remain pending.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,415,270 to Rackson in view of the website [www.auctionwatch.com](http://www.auctionwatch.com).**

Regarding claims 1, 17, and 33, Rackson discloses a method, system and computer-readable medium in an electronic auction comprising:

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- simultaneously displaying at a computer network a plurality of different items offer for auction (see at least col. 25, line 66 – col. 26, line 2; Figure 14; col. 26, lines 6-8)
- permitting entry of a different bid for each of a plurality of the plurality of different items (see at least Figure 14; col. 26, lines 23-25);
- simultaneously submitting, over the computer network, each said different bid for each of the plurality of the plurality of different items (see at least Figure 14; col. 26, lines 23-29; col. 26, lines 30-35; col. 23, lines 6-17).

However, Rackson does not expressly show disclose a single screen image.

Rackson does disclose an Internet-based interface 500 in Figure 14 which is provided for the bidder 8 such that the bidder can view his selected item type 502, and the selected remote auction service items 520 being tracked (col. 25, line 65 – col. 26, line 1). The website [www.auctionwatch.com](http://www.auctionwatch.com), on the other hand, teaches the single screen image (see at least page 13 and page 22).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method, system and computer-readable medium of Rackson, to include a single screen, as taught by [www.auctionwatch.com](http://www.auctionwatch.com), in order to track auctions that a bidder is interested in and monitor bidding activity ([www.auctionwatch.com](http://www.auctionwatch.com) page 11). Furthermore, it avoids constant surf back and forth between multiple auctions and multiple auctions sites to find the best deal ([www.auctionwatch.com](http://www.auctionwatch.com) page 39).

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Regarding claims 2-8, 18-24, and 34-40, Rackson discloses the plurality of auction types such as interactive auction, single auction, and priced auction (see at least col. 9, lines 25-35; col. 10, lines 60-63; col. 11, lines 2-32).

Regarding claims 9, 25 and 41, Rackson discloses receiving the different bid submitted fro each of the plurality of plurality of different items; and simultaneously displaying a confirmation for the different bid submitted for each of the plurality of plurality of different items using a second single screen image (see at least col. 12, line 47-col. 13, line 5).

Regarding claims 10-12, 26-28 and 42-44, Rackson discloses simultaneously submitting a different bid submitted for each different items and the submitting a modification, canceling and revising each of a plurality of different items (see at least col. 6, lines 37-41; col. 7, lines 18-22; col. 13, lines 25-36). Rackson does not explicitly disclose the first and second plurality of the plurality of different items. The first plurality of different items and second plurality of the different items do not patentably distinguish the claimed method, system, and computer-readable medium because they impart no structural or functional specificity. Furthermore, applicants have not persuasively demonstrated that the first and second plurality of different items are critical or are anything more than one of the numerous plurality of different items that the skilled artisan would have found suitable for the purpose taught by Rackson. Therefore, it would have been obvious to one or ordinary skill in the art at the time of the invention to provide any plurality of different items in the method, system, and computer-readable

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medium taught by Rackson because the subjective interpretation of the various plurality of different items do not patentably distinguish the claimed invention.

Regarding claims 13-14, 29-30, and 45-46, Rackson discloses proxy (see at last col. 14, lines 17-29; col. 14, lines 50-58).

Regarding claims 15-16, 31-32, and 47-48, Rackson discloses simultaneously displaying a plurality of different offering offered for auction, wherein an offering includes one or more items; selecting a plurality of different offerings to display to a particular user; and simultaneously displaying the selected plurality of the plurality of different offerings (see at least Figure 14; col. 25, line 65 – col. 66, line 2; col. 26, lines 6-9; col. 26, lines 14-36).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,905,975 to Ausubel a system and method of executing various auctions, which are, occur simultaneously.

U.S. Patent No. 6,725,268 to Jackel et al. discloses a system and method for providing and status information from multiple information sources in a single display.

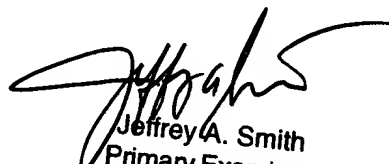
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 703-305-5246. The examiner can normally be reached on M-F 8:30-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Smith can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mtot  
June 11, 2004



Jeffrey A. Smith  
Primary Examiner